

REMARKS

Claims 5-9 are currently pending.

Claim 5 has been amended, as discussed below. Claim 6 has been amended to depend from claim 5, rather than claim 1, which is not a currently pending claim. Support for the amendments to the claims can be found throughout the specification and claims as originally filed and there is no new matter added as a consequence of the amendments.

The Rejection under 35 U.S.C. § 112, ¶1 Should Be Withdrawn

Claims 5-8 have been rejected under 35 U.S.C. § 112, ¶1 as failing to comply with the written description requirement. The Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges that the original disclosure fails to define the sidewalls as "two sidewalls of single rubber mixes" and does not exclude the use of a sidewall mix formed of multiple rubber mixes. However, the Examiner has acknowledged that the specification does describe the sidewalls as "the two rubber sidewall mixes."

Without conceding to the correctness of the Examiner's rejection, Applicant has amended claim 5 to replace "two sidewalls of single rubber mixes" with "the two rubber sidewall mixes." Support for the amendment can be found in the specification at page 2, line 5. Applicant submits that amended claim 5 satisfies the written description requirement and respectfully requests withdrawal of the rejection of claims 5-8 under 35 U.S.C. § 112, ¶1.

The Rejection under 35 U.S.C. § 103 Should Be Withdrawn

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 3,825,052 to Matsuyama et al. ("Matsuyama") in view of U.S. patent No. 4,082,132 to Arai et al. ("Arai"). The Examiner alleges that Matsuyama is directed to heavy duty tire structure having a pair of bead portions, a pair of sidewall portions and a crown portion, wherein said crown portion is formed by laying a single mix of tread over the radially outer edges of the sidewall rubber mix to form a circular junction. The Examiner acknowledges that Matsuyama is primarily concerned with cut resistance in heavy-duty off-road construction tires and that one of skill in the art would not suggest the use of such tires in highway vehicle tire construction, as in the present invention.

Claims 6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuyama in view of Arai, as applied to claim 5, and further in view of JP 06032114 to Hashimura and JP 09-136512 to Matsui.

In response, Applicant has amended claim 5 to recite "a highway vehicle tire" in place of "a vehicle tire for highway use." Support for the amendment can be found throughout the specification and claims as originally filed. The Examiner has indicated that this amendment would overcome the 103 rejection set forth in the Office Action, since Matsuyama is directed to heavy-duty, off-road construction vehicle tires. Therefore, Applicant submits that Matsuyama in view of Arai and further in view of Hashimura and Matsui do not render the claimed invention obvious and request withdrawal of the rejection of claims 5-7 under 35 U.S.C. § 103.

Allowable Subject Matter

Claim 9 has been found to be allowable according to the Office Action mailed January 16, 2004 (see Office Action, page 7, para. 8).

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant submits that independent claim 5, as amended, is allowable. Accordingly, claim 8 which depends from claim 5 is now also allowable.

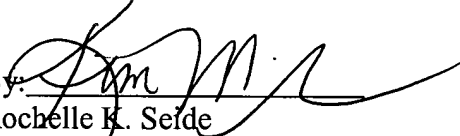
CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests withdrawal of the outstanding rejections and allowance of the pending claims.

Applicant requests a one month extension of time and encloses herewith the requisite fee as set forth in 37 C.F.R. § 1.17(a)(1). Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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